

House Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

CHAPTER 165

HOUSE BILL 2599

AN ACT

AMENDING TITLE 8, CHAPTER 10, ARTICLE 1, ARIZONA REVISED STATUTES, IS AMENDED
BY ADDING SECTION 8-810; AMENDING SECTION 8-821, ARIZONA REVISED STATUTES;
RELATING TO CHILD PROTECTIVE SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 8, chapter 10, article 1, Arizona Revised Statutes,
3 is amended by adding section 8-810, to read:

4 8-810. Department of public safety; law enforcement agencies;
5 missing children; notification

6 A. IF CHILD PROTECTIVE SERVICES RECEIVES A REPORT MADE PURSUANT TO
7 SECTION 13-3620 OR RECEIVES INFORMATION DURING THE COURSE OF PROVIDING
8 SERVICES THAT INDICATES A CHILD IS AT RISK OF SERIOUS HARM AND THE CHILD'S
9 LOCATION IS UNKNOWN, CHILD PROTECTIVE SERVICES SHALL NOTIFY THE APPROPRIATE
10 LAW ENFORCEMENT AGENCY AND PROVIDE THE INFORMATION REQUIRED TO MAKE THE
11 RECORD ENTRY INTO THE ARIZONA CRIME INFORMATION CENTER AND THE NATIONAL CRIME
12 INFORMATION CENTER MISSING PERSON DATABASES. THIS INCLUDES INFORMATION ABOUT
13 THE CHILD AND CHILD'S PARENT, GUARDIAN, CUSTODIAN OR PERSON OF INTEREST.

14 B. THE APPROPRIATE LAW ENFORCEMENT AGENCY SHALL IMMEDIATELY ENTER THE
15 INFORMATION PROVIDED BY CHILD PROTECTIVE SERVICES PURSUANT TO SUBSECTION A OF
16 THIS SECTION INTO THE ARIZONA CRIME INFORMATION CENTER AND THE NATIONAL CRIME
17 INFORMATION CENTER MISSING PERSON DATABASES.

18 Sec. 2. Section 8-821, Arizona Revised Statutes, is amended to read:

19 8-821. Taking into temporary custody; medical examination;
20 placement; interference; classification

21 A. A child shall be taken into temporary custody in proceedings to
22 declare a child a temporary ward of the court to protect the child, pursuant
23 to an order of the juvenile court on a petition by an interested person, a
24 peace officer or a child protective services worker under oath that
25 reasonable grounds exist to believe that temporary custody is clearly
26 necessary to protect the child from suffering abuse or neglect. If a child
27 is taken into temporary custody pursuant to this section, the child's sibling
28 shall also be taken into temporary custody only if reasonable grounds
29 independently exist to believe that temporary custody is clearly necessary to
30 protect the child from suffering abuse or neglect.

31 B. A child may be taken into temporary custody by a peace officer or a
32 child protective services worker if temporary custody is clearly necessary to
33 protect the child because probable cause exists to believe that the child is
34 either:

35 1. A victim or will imminently become a victim of abuse or neglect.

36 2. Suffering serious physical or emotional injury that can only be
37 diagnosed by a medical doctor or psychologist.

38 3. Physically injured as a result of living on premises where
39 dangerous drugs or narcotic drugs are being manufactured. For the purposes
40 of this paragraph, "dangerous drugs" and "narcotic drugs" have the same
41 meaning prescribed in section 13-3401.

42 4. REPORTED BY CHILD PROTECTIVE SERVICES TO BE A MISSING CHILD AT RISK
43 OF SERIOUS HARM.

44 C. In determining if a child should be taken into temporary custody,
45 the interested person, peace officer or child protective services worker may

1 take into consideration as a mitigating factor the participation of the
2 parent or guardian in the healthy families program established by section
3 8-701.

4 D. In determining if a child should be taken into temporary custody,
5 the interested person, peace officer or child protective services worker
6 shall take into consideration:

7 1. As a paramount concern the child's health and safety and shall
8 consider as a mitigating factor the availability of reasonable services to
9 the parent or guardian to prevent or eliminate the need for removal of the
10 child and the effort of the parent or guardian to obtain and participate in
11 these services.

12 2. Whether the parent is willing to participate in services provided
13 pursuant to section 8-830.

14 E. A person who takes a child into custody pursuant to subsection B,
15 paragraph 2 of this section shall immediately have the child examined by a
16 medical doctor or psychologist. After the examination the person shall
17 release the child to the custody of the parent or guardian of the child
18 unless the examination reveals abuse or neglect. Temporary custody of a
19 child taken into custody pursuant to subsection B, paragraph 2 of this
20 section shall not exceed twelve hours.

21 F. A child who is taken into temporary custody pursuant to this
22 article shall not be detained in a police station, jail or lockup where
23 adults charged with or convicted of a crime are detained.

24 G. A child shall not remain in temporary custody for more than
25 seventy-two hours excluding Saturdays, Sundays and holidays unless a
26 dependency petition is filed.

27 H. A person who knowingly interferes with the taking of a child into
28 temporary custody under this section is guilty of a class 2 misdemeanor.

APPROVED BY THE GOVERNOR MAY 7, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 7, 2008.